

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GARY ANTHONY,)	
On behalf of Himself and Others)	Civil Action
Similarly Situated,)	No. 06-cv-4419
)	
Plaintiff)	
)	
vs.)	
)	
SMALL TUBE MANUFACTURING)	
CORP., doing business as)	
Small Tube Products Corp., Inc.;)	
ADMIRAL METALS, INC.;)	
TUBE METHODS, INC., and)	
CABOT CORPORATION,)	
Individually and as Successor in)	
Interest to Cabot Berylco, Inc.,)	
Kawecki Berylco Industries, Inc.)	
and the Beryllium Corporation)	
c/o C.T. Corporation Systems,)	
)	
Defendants)	
)	
and)	
)	
AMETEK, INC.;)	
BRUSH WELLMAN, INC.; and)	
MILLENNIUM PETROCHEMICALS, INC.,)	
formerly known as)	
National Distillers and)	
Chemical Corporation,)	
)	
Third-Party Defendants)	

O R D E R

NOW, this 30th day of September, 2008, upon
consideration of the following pleadings:

- (1) Joint Motion for Summary Judgment filed
February 29, 2008 on behalf of defendant
Cabot Corporation and third-party defendant
Brush Wellman, Inc.;

- (2) Joinder of Defendants and Third-Party Defendants in Joint Motion for Summary Judgment, which joinder was filed February 29, 2008 on behalf of defendants Small Tube Manufacturing Corp., Admiral Metals, Inc. and Tube Methods, Inc. and third-party defendants Ametek, Inc. and Millennium Petrochemicals, Inc.;
- (3) Plaintiff's Opposition to Defendants' Joint Motion for Summary Judgment, which opposition was filed April 21, 2008; and
- (4) Reply in Support of Joint Motion for Summary Judgment, which reply was filed June 24, 2008 on behalf of defendant Cabot Corporation and third-party defendant Brush Wellman, Inc.;

upon consideration of the briefs of the parties; after oral argument held June 23, 2008; and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that the Joint Motion for Summary Judgment of all defendants is granted.

IT IS FURTHER ORDERED that summary judgment is granted in favor of defendants Small Tube Manufacturing Corp., doing business as Small Tube Products Corp., Inc.; Admiral Metals, Inc.; Tube Methods, Inc.; and Cabot Corporation, Individually and as Successor in Interest to Cabot Berylco, Inc., Kaweck Berylco Industries, Inc. and the Beryllium Corporation c/o C.T. Corporation Systems; and against plaintiff Gary Anthony, both individually and in his representative capacity.

IT IS FURTHER ORDERED that plaintiff's Class Action Complaint is dismissed.

IT IS FURTHER ORDERED that the Joint Motion for Summary Judgment of third-party defendant Brush Wellman, Inc. and the joinder of third-party defendants Ametek, Inc. and Millennium Petrochemicals, Inc., formerly known as National Distillers and Chemical Corporation, are each dismissed as moot.

IT IS FURTHER ORDERED that in the event plaintiff becomes sensitized to beryllium, that is if and when he has a positive beryllium lymphocyte proliferation test (BeLPT), or develops chronic beryllium disease (CBD), the disposition of the within action shall not preclude plaintiff from filing any future action for medical monitoring as a result of the alleged beryllium exposure which is the subject of plaintiff's Class Action Complaint.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge